

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 30 JANUARY 2015
10.00 AM, PORTLAND HOUSE

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In line with the Commission's Disclosure policy, various paragraphs may have been edited or deleted from these minutes as the information contained therein relates to specific case information and/or personnel-related matters. Where the summary of discussion has been edited or the names have been deleted, this is indicated at the start of the relevant paragraph or section.

Present:

Mrs Jean Couper CBE, Chairman
Professor Brian Caddy
Mr Stewart Campbell
Miss Frances McMenamin Q.C.
Mr Gerard McClay
Professor George Irving CBE

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)
Sir Gerald Gordon Q.C., Consultant Legal Adviser

Section 1: Governance Matters

1.1 Apologies

Mr Gerrard Bann and Mr Peter Ferguson Q.C. had submitted their apologies.

1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality

1.2.1 Members were asked to declare any known conflicts of interests or gifts and hospitality.

- There were no declarations noted

1.2.2 There were no declarations of gifts or hospitality.

1.3 Minutes of Board meeting held on 28 November 2014

The Board approved the minutes of the Board meeting held on 28 November 2014 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to the same minor amendment.

1.4 Matters Arising

Mr McClay requested that in future there wasn't as much of a time delay in the consideration of draft minutes. Mr Reddick confirmed that this was a result of the

Commission not having a Board meeting in December but agreed that minutes could be circulated sooner on these occasions.

1.5 Minutes of Audit Committee meeting held on 2 December 2014

The Board noted the minutes of the Audit Committee meeting on 2 December 2014 having received confirmation that both versions had been approved by the Audit Committee Members.

1.6 Matters Arising

There were no matters arising.

1.7 Minutes of Policy meeting held on 19 December 2014

The Board approved the minutes of the Policy meeting held on 19 December 2014 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme, subject to the same minor amendment.

1.8 Matters Arising

Mr Campbell confirmed that he had supplied Mr Reddick with an update to the wording of the Policy minutes in respect of paragraph 5.1.3 of the minutes which he felt more accurately reflected the discussion and subsequent agreement. The issue of series numbers for position papers and policy documents was discussed further and Mr Reddick provided a full update on the Commission's new version control system which was in the process of being implemented. He confirmed that this included internal referencing based on the classification of documents and a strong system for version control which would be subject to internal audit prior to year end.

1.9 Chairman's Report

1.9.1 Mrs Couper provided the Board with updates on the following matters:

- Mrs Couper confirmed that she had met with the CCRC's Non-Executive Directors as part of their visit to the Commission on 19 January 2015. She reported that feedback from the Non-Executive Directors had been positive and they had found the day extremely useful in gaining an insight into the Commission's operating procedures.
- Mrs Couper confirmed that Mr Richard Foster, Chairman of the CCRC, would be visiting the Commission on 26 and 27 February 2015. She also confirmed that a group of the CCRC's Commissioners would also be visiting the Commission on 11 March 2015.

1.9.2 Mrs Couper provided Members with an update on Board recruitment confirming that a submission had been made to the Scottish Ministers setting out the proposed programme and timescales.

1.10 Chief Executive's Report

1.10.1 Mr Sinclair provided the Board with updates on the following matters:

- Mr Sinclair confirmed that the Non-Executive Directors from the CCRC had visited the Commission on 19 January 2015 and had attended the Committee C meeting as part of their visit as well as spending time with key staff.
- Mr Sinclair reported that he attended the NDPB Chief Executive's Forum meeting on 21 January 2015.
- Mr Sinclair reported that a meeting of the 4262 review team had taken place on 23 January 2015.
- Mr Sinclair reported that he had attended the Annual Law Society Dinner with Mrs Couper on 30 January 2015.
- Mr Sinclair confirmed that the Commission had received further correspondence from Mr Alex Neil MSP in respect of an ongoing review and confirmed that this would be circulated and considered later in the agenda.

1.10.2 Mr Sinclair confirmed that Members had been providing some useful thoughts and feedback in respect of the Boardbooks system which he confirmed would be addressed at the end of the meeting along with some additional training on the system. He also confirmed that testing of email integration and sharing of annotations had commenced with some initial suggested changes being made.

1.11 SCCRC Appeal Court Decisions

Mr Sinclair confirmed that a decision had been issued in the case of Archibald Paterson, confirming that the 2 year consecutive sentence had been quashed. He reported that there were now only 2 outstanding referrals.

1.12 Correspondence

1.12.1 There was no additional correspondence for noting.

1.12.2 Mr Sinclair and Members of the 4262 team provided the Board with a full update on the current position with respect to the petition to the court in this case along with ongoing media attention that had been received.

(Miss McMenamin Q.C. left the meeting for this discussion having previously declared a conflict of interest and therefore took no part in its consideration.)

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no non-case related work notified by Members.

2.2 Training & Development

No training and development had been undertaken by staff since the date of the last meeting.

2.3 Quarterly Finance Report – 31 December 2014

2.3.1 Mr Reddick provided the Board with a summary of the main points of the quarterly finance report to 31 December 2014.

2.3.2 Mrs Couper and Professor Irving asked for some additional procedural information. After further discussion the Board noted the content of the report.

2.4 Quarterly Case Statistics Report – 31 December 2014

Mr Sinclair provided the Board with an overview of the quarterly case statistics to 31 December 2014. In addition to the 140 new applications received to this point he also confirmed that a further 8 applications had been received in January 2015 and that he anticipated the year end figure being very similar to the previous year. He also confirmed that case conclusion rates were also similar to last year. He also noted that the Commission was on course to conclude its 2000th application in the next few months.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair provided the Board with an update on monthly case statistics for January 2015.

3.2 Notification of cases where final decisions have been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring:

There were no cases in this category.

3.3 Notification of decision cases agreed at previous meetings of the Board but not yet issued:

There were no cases in this category.

3.4 Referral press releases issued since last meeting of the Board:

There were no cases in this category.

3.5 Requests for extensions of time to submit further representations:

There were no cases in this category.

3.6 Want of Insistence Cases:

There were no cases in this category.

3.7 Discussion Cases:

Mrs Govan provided the Board with a summary of the main points in one case. After full discussion it was agreed that the supplementary statement of reasons should be updated and presented to the next meeting of the Committee and Board for further consideration.

(Miss McMenemy Q.C. left the meeting for this case having previously declared a conflict of interest and therefore took no part in its consideration.)

Mr McShane provided the Board with a summary of the main points in one case. After full discussion it was agreed that the statement of reasons should be updated and presented to the next meeting of the Committee for review before issue.

Section 4: Proposed Referral Cases

4.1 There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1–5.2 The Board considered 2 statements of reasons. After full discussion it agreed not to refer both cases to the High Court.

Section 6: Proposed Supplementary Cases (edited)

6.1–6.2 The Board considered 2 supplementary statements of reasons. It agreed that a final refusal letter should be issued in each case.

Section 7: Stage 1 Pre Acceptance Cases (edited)

7.1–7.14 A total of 14 new applications were considered and the following decisions were made:

3 cases	Accepted for a review of conviction
1 case	Accepted for a review of sentence (but rejected on conviction on the basis that there were no stateable grounds of review).
1 case	Rejected: the applicant had not appealed against his conviction
1 case	Rejected: the grounds of review were a repeat of the grounds of appeal
3 cases	Rejected: the grounds of review were a repeat of the appeal grounds and were not stateable.
1 case	Rejected: the applicant had abandoned his appeal without good reason and there were no stateable grounds of review
3 cases	Rejected: there were no stateable grounds of review
1 case	Rejected: it was not in the interests of justice to undertake a full review

Section 8: Concluding Matters

8.1 **Any Other Competent Business**

Mr Reddick and Mr Sinclair referred Members to feedback received to date in respect of the Boardbooks system providing a full update on the latest updates to the system as well as providing Members with some additional training. Mr Reddick confirmed that a number of further enhancements had been suggested with the developers and he would provide further updates in due course. He also confirmed that the email integration was currently being tested with Mr McClay and that this had so far identified a number of possible improvements prior to full rollout.

8.2 Date of Next Meeting

- Board Meeting – Friday 27 February 2015 @ 10:00

Chris Reddick
17 February 2015